

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claim 4 has been canceled in this paper. Claims 1, 3, 6-12, 15-22 have been amended in this paper. New claims 23-24 have been added in this paper. Therefore, claims 1-3 and 5-24 are pending. Of these claims, claims 15-23 have been "withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a nonelected invention." Accordingly, claims 1-3, 5-14 and 24 are under active consideration.

In the outstanding Office Action, the Patent Office repeats the following restriction requirement, which was communicated to the undersigned by telephone on May 2, 2003:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-14, drawn to a nut, classified in class 411, subclass 533.

II. Claims 15-22, drawn to a method of making a nut, classified in class 29, subclass 509.

Applicant affirms his previous election of Group I, claims 1-14.

The drawings stand objected to under 37 CFR 1.83(a) for the following reason:

The drawings must show every feature of the invention specified in the claims. Therefore, the bevel or chamfer on the turning plate must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In response to the foregoing objection, Applicant is submitting herewith a proposed drawing correction in which the beveled or chamfered portion in question is shown. The specification has also been amended to reflect the aforementioned drawing correction.

Therefore, the foregoing objection has been overcome and should be withdrawn.

The disclosure stands objected to because “[t]he specification cannot refer to the claims, as in page 1, lines 1 and 2, for example. Appropriate correction is required.”

In response to the foregoing objection, Applicant has amended the specification so that the foregoing reference to the claims has been removed. Therefore, the objection has been overcome and should be withdrawn.

Claims 6 and 7 stand objected to for the following reasons:

Claims 6 and 7 recite the limitation “the conical surface” in line 2 of each of the claims. There is insufficient antecedent basis for this limitation in the claims. It appears that they should be dependent upon claim 4 instead of 3. Also, claim 7 recites the phrase “and/or” which is indefinite because it is unclear if the notch is formed by pressing in the conical surface and the neckpiece or the conical surface or the neckpiece. Appropriate correction is required.

There is now proper antecedent basis for the limitation “the conical surface” in claims 6 and 7. In addition, the phrase “and/or” in claim 7 has been removed. In view of the above, the foregoing objection to claims 6 and 7 should be withdrawn.

Claims 8, 9 and 10 stand objected to for the following reasons:

Claims 8, 9, and 10 recite the limitation “its inner surface” in line 3 of claim 8 and line 2 of claims 9 and 10. There is insufficient antecedent basis for this limitation in the claims. It appears the phrase should read -an inner surface-. Appropriate correction is required.

Applicant has made the change suggested by the Patent Office. Accordingly, the foregoing objection has been overcome and should be withdrawn.

Claim 11 stands objected to for the following reason:

Claim 11 recites the limitation "the cylindrical surface region" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. It appears the phrase should read -a cylindrical surface region-. Appropriate correction is required.

Applicant has made the change suggested by the Patent Office. Accordingly, the foregoing objection has been overcome and should be withdrawn.

Claims 11 and 12 stand rejected under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In support of the rejection, the Patent Office states the following:

As to claim 11, it is unclear what the "bevel or chamfer" is since only a chamfer on the nut, not the turning plate, is shown in the drawings. Appropriate correction is required. The claims have been examined as best understood.

Regarding claim 12, the phrase "somewhat trapezoidal" is indefinite because it is unclear if the turning plate is trapezoidal or not. Appropriate correction is required. The claims have been examined as best understood.

With respect to claim 11, Applicant has amended the drawings to show the chamfer. It is respectfully submitted that claim 11 is definite.

With respect to claim 12, Applicant has deleted the word "somewhat." It is respectfully submitted that claim 12 is definite.

In view of the above, the foregoing rejection should be withdrawn.

Claims 1-12 and 14 stand rejected under 35 U.S.C. 102(b) "as being anticipated by Capuano." In support of the rejection, the Patent Office states the following:

Regarding claim 1, Capuano discloses a nut 50 with a nut body 56 with an enlarged shoulder 124 and a turning plate 52 that can rotate (col. 4, l. 32-35) and is inseparably arranged on the nut body, wherein the turning plate is capable of being shoved onto the nut body and secured by means of a locking element which is a bead 100 provided on the nut body, so the turning plate is arranged between the enlarged shoulder and the bead.

As to claim 2, Capuano discloses the bead being formed as a single piece on the nut body, and is capable of being formed by a pressing process.

Referring to claim 3, Capuano discloses the nut body having a base body 58 and a neckpiece 68 and the turning plate 52 is arranged on the neckpiece.

In regards to claim 4, Capuano discloses a conical surface 140 closing off the neckpiece 68.

As to claim 5, Capuano discloses the bead 100 formed on the neckpiece 68.

Regarding claim 6, Capuano discloses the bead 100 being formed at the transition from the conical surface 140 to the neckpiece 68.

Referring to claim 7, Capuano discloses a notch (the space between neckpiece 68 and turning plate 52) capable of being formed by pressing the conical surface and neckpiece on its edge facing the turning plate.

Regarding claim 8, Capuano discloses the enlarged shoulder 124 having a conical underside 86 at its end facing the neckpiece and the turning plate has a conical surface region 88 along its inner surface that makes contact with the conical underside of the enlarged shoulder.

In regards to claim 9, Capuano discloses the turning plate having a cylindrical surface region 142 along its inner surface which faces the neckpiece.

As to claim 10, Capuano discloses the turning plate having a slightly conical surface region 144 along its inner surface.

Referring to claim 11, Capuano discloses a bevel or chamfer being provided at the end of the cylindrical surface region and slightly conical surface region facing the base body (at 144).

Regarding claim 12, Capuano discloses the turning plate 52 being "somewhat trapezoidal."

As to claim 14, Capuano discloses the nut being a wheel nut for motor vehicles.

Insofar as the foregoing rejection pertains to canceled claim 4, the rejection is moot and should be withdrawn. Insofar as the foregoing rejection pertains to claims 1-3, 5-12 and 14, Applicant respectfully traverses the foregoing rejection.

Claim 1, from which claims 2-3, 5-12 and 14 depends, has been amended herein and now recites "[n]ut (1) comprising a nut body (10) and a turning plate (20), the nut body (10) comprising an enlarged shoulder (15), a neck piece (17) extending from the enlarged shoulder (15), and a conical surface (18) closing off the neck piece (17) at an end opposite the enlarged shoulder (15), the turning plate (20) being inseparably and rotatably arranged on the nut body (10), wherein the turning plate (20) is shoved onto the nut body (10) and secured by means of a locking element, the locking element being fashioned as a bead (26) provided on at least one of said conical surface (18) and said neck piece (17) of the nut body (10), so that the turning plate (20) is arranged between the enlarged shoulder (15) and the bead (26)."

Thus amended, claim 1 is neither anticipated by nor rendered obvious over Capuano for at least the reason that Capuano fails to teach or to suggest a nut comprising, among other things, a nut body comprising an enlarged shoulder, a neck piece extending from the enlarged shoulder, and a conical surface closing off the neck piece at an end opposite the enlarged shoulder and a bead provided on at least one of the conical surface and the neck piece. By contrast, Capuano does not disclose such a bead, but rather, discloses a nut body wherein an annular retainer rim of the nut body is simply crimped radially to the outside to retain a washer on the nut body.

Claims 2-3, 5-12 and 14 recite additional limitations and are further distinguishable over Capuano.

Therefore, for at least the above reasons, the foregoing rejection should be withdrawn.

Claims 13 and 14/13 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Capuano (US 4431353) as applied to claims 1-12 above, and further in view of Wilson (US 6102488)." In support of the rejection, the Patent Office states the following:

As to claim 13, Capuano discloses the claimed nut except for the base body having a cap. Wilson teaches a cap 56. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a cap on the base body of Capuano as disclosed in Wilson for decorative purposes and to more firmly hold the nut and washer together.

Applicant respectfully traverses the foregoing rejection. Claims 13 and 14 depend from claim 1. Claim 1 is patentable over Capuano for at least the reasons given above. Wilson fails to cure all of the deficiencies of Capuano. Therefore, based at least on their respective dependencies, claims 13 and 14 are patentable over Capuano in view of Wilson.

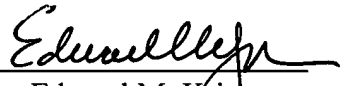
Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

In conclusion, it is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

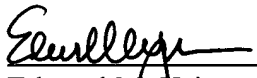
Respectfully submitted,

Kriegsman & Kriegsman

By: 
Edward M. Kriegsman
Reg. No. 33,529
665 Franklin Street
Framingham, MA 01702
(508) 879-3500

Dated: November 17, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 17, 2003


Edward M. Kriegsman
Reg. No. 33,529
Dated: November 17, 2003